



**MINUTES OF THE GILA COUNTY
PLANNING AND ZONING COMMISSION**

Thursday, May 25, 2017

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM

610 E. Highway 260, Payson, AZ

10:00 AM

REGULAR MEETING

1. The meeting was called to order at 10:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Chairman Mickie Nye.
3. Roll Call: Therese Berumen called the roll; Chairman Mickie Nye (in Globe), Mary Lou Myers (in Payson), Travis Holder (in Globe), Terry Otts (in Globe), and Bill Marshall (in Globe). Lori Brown and Randy Slapnicka are absent. A quorum is present.

Community Development Staff Members Present: Robert Gould-Planner, Scott Buzan-Interim Director and Building Official, and Therese Berumen-Administrative Assistant.

4. Introduction of New Member (Bill Marshall). Mickie Nye introduced Bill Marshall and stated that he is retired from APS. Mickie opened up the floor for Bill to tell the commission about himself. Bill stated that he lived in the Payson area for about 19 years and his career brought him back into the Globe area, which he lived before he moved to Payson. I worked for SRP for 6 years and worked for APS for 37 years. I retired about 9 years ago, as the area manager for the Mountain district, which Globe is included in that area. I also run a hunting guide business on the side. I still stay pretty busy and not sure how I ever had any time to work. I volunteered for a lot of organizations while I was working, but when I retired, I decided to shed some of those. I figured it was time to do something again, especially after Mickie kept asking.
5. Review and Approval of Minutes of the Planning and Zoning Commission Hearing on April 20, 2017. Mickie Nye asked if there were any changes needed. Mary Lou Myers stated that she had a correction that she thinks needed to be corrected, on page 6, middle paragraph, and fifth sentence in. It states that Lori Brown doesn't feel the same way and Mary Lou stated she thinks it needs to say that she does feel the same way. Mickie Nye also stated that moving forward; he would like to see whether the motion was approved or denied after each hearing, following the motion and the second of the motion. Mary Lou Myers motioned that the minutes be approved with the exception of her correction and Bill Marshall seconded the motion. It was unanimously approved.
6. **Planner/Commission Communication:** At any time during this meeting, The Planning and Zoning Commission and Planner Bob Gould of Community Development may present a brief summary of current events. No action may be taken.

Bob Gould stated that he had just a couple of things that he wanted to mention. First, the way he is intending it, his last official day would be June 30th before he officially retires. Second, that there are some clean ups that he would like to see in the code and he is trying to keep it as

simple as he possibly can. I see it as mostly grammatical issues and nothing that is considered a deficiency of the code. Mostly some rewording needs to be done. An example would be in the section talking about use permits; it states that the applicant has the right to appeal, but the surrounding property owners also have the right to appeal as well. What I would like to do, is give you a full report of the changes I would like to see before I leave, so that you have them at the June meeting. I would like to see it get cleaned up before the new guy takes over. Mickie Nye suggested that when there is an agenda with only one item that we do some type of Board awareness and training. Something that would get us caught up on current events, but not to have the meeting last past a few hours. Mickie also asked if they had his replacement. Bob stated that he did not believe so.

Public Hearings: (Moving agenda item 7 after agenda item 9)

7. **CUP-17-03 Eco Site Inc.:** An application to obtain a Conditional Use Permit to establish a 199 foot tall cellular tower for parcel 204-06-021B located at 18653 N. Highway 188, Roosevelt, currently zoned TR (Transitional Residential). Bob stated that the tower would be in the back portion of the lot. It will be close to the residential units, so we will need to make sure we get the confirmation from the engineer that he designs it so that it isn't a threat to surrounding properties. If you see the picture I attached to the staff report, it will show that in more detail. This is a highly, highly supportive project. In fact, when I went to take the pictures and get the lay of the land, I had several people stop and tell me how supportive they are of this project. Staff recommendation is to approve this conditional use permit with the condition that the engineer will certify that the fall zone will not threaten existing structures in the area. Terry Otts stated that he reviewed several letters in favor of this tower, primarily Roosevelt residents, but didn't see anything from the Fire Chief about his building or any concerns about blocking any communications, or the tower falling on that building. Bob stated that before the permit is issued, they will have to sign off on that. He also stated that he believes the people out there really do have a lot of trouble with their cell phone coverage. That is why they are all so supportive of the new tower.

Public comment section opened. Nancy Smith, the applicant, stated that they tried to get the support of the community and the church before they even started the process for this project. She also stated that if anyone had any questions, she would be more than happy to answer them. There were no questions for her. George McMinimy stated that he is a member of the church and the majority of the church is in favor of this project. We feel it will be an asset to the community because we have very weak service out there with our cell phones. Celia Eastridge stated that she agrees with George McMinimy. Mr. Taylor stated that he is the one that lives at the facility, Roosevelt Baptist Church. We would be very glad to see cell phone coverage in our community. The coverage is very spotty there and we really need some help. We think it would be a blessing to our community. Whatever we can do to encourage you guys to move forward with this project would really be appreciated. **Public comment section closed.**

Travis Holder motioned that they approve the conditional use permit with the condition that the engineer will certify that the fall zone will not threaten existing structures, which was recommended to us. That would be CUP-17-03, an application to obtain a conditional use permit to establish a 199 foot tall cellular tower for parcel 204-06-021B, located at 18653 N. Hwy 188 in Roosevelt, currently zoned TR (Transitional Residential). Terry Otts seconded the motion. The motion was unanimously approved.

8. **CUP-17-04 David Nowak:** An application to obtain a Conditional Use Permit to build a home that will be 34 feet and three stories in height, currently zoned R1-D12 (Residential One District with a D12 Density District). Bob stated that the regulation right now for building height for single family residences is 30 feet or 3 stories. Technically you could have a 3 story building that would be permitted, if it were less than 30 feet. This particular home, as you can see by the plans, actually has the bottom floor as the garage. We still have to count it as a story, per our code. I recommend that this conditional use permit be approved to allow the 34 feet in height as to allow them to build their home and get their permits. Mary Lou stated that she needed to acknowledge that she sold this property to Mr. Nowak. Mickie Nye asked Mary Lou if she thought because she sold him the property, that it would impact her decision making inappropriately. Mary Lou stated that no, it wouldn't. Mickie Nye stated that she was more than welcome to participate then. Mary Lou stated that they have certainly researched this and put together a beautiful architectural plan for this home and that she was in favor of approving this. Mickie Nye asked Bob if the 20 foot setback would be a problem. Bob stated that no, it shouldn't be a problem because that is what is required by code.

Public Comment Section Opened. David Nowak stated that they recently purchased the property last November and it has taken them some time to figure out what they wanted to do. We aren't asking for much. We understand that code is only 30 feet and we just want to do what is required, so we can move forward. Jody Parlier stated that he lives right across the street from the property. He sees the height of the proposed new home as a nuisance. He also stated that it was said that the house next door to the property is a 3 story home, but he doesn't see that. The way my home is situated and the way the proposed home will be placed and it being at that height, will destroy any view I have of the Rim. The plans that I see show the setbacks as less than 20 feet, which I know Gila County requires at least 20 feet. I feel that a home being this height should be much further from the road. I believe most homes in this area are pushed back much further from the road and believe this one should be as well. Bob stated that they weren't approving any setbacks that were on the plans. They will require the normal 20 feet that is in our code. David Nowak responded to Mr. Parlier's statement by saying that he wanted to work with his neighbors and future neighbors. I don't want to do anything that is detrimental to the community itself. This plan for our new home was the first one that we came up with and if it is strongly opposed, I don't want to push forward with it. I know my neighbors have been there a long time and we plan on being there long term, so I don't want to do anything that will jeopardize our friendship. If this is something Mr. Parlier doesn't want, we will figure out a new game plan. Mr. Nowak stated that because he had neighbors opposed to his request, that he will withdraw his conditional use permit application. **Public comment section closed.**

9. **Scott Buzan-Interim Community Development Director:** Scott Buzan stated that he appreciated the opportunity to speak with the commission concerning the proposed changes to the building code ordinance. A little background information, per ARS 11-861, any changes or approval of ordinances for building codes has to go before the Planning & Zoning Commission before it can be heard by the Board of Supervisors. Creatively, under a different County Attorney, he allowed us to go the route of the Building Safety Advising Appeals Board in lieu of the Planning & Zoning Commission. We now have a new County Attorney and he has determined that is not what the statute says, so that is why I am here in front of you today. Basically, the current ordinance that we operate under today was adopted back in October of 2014. It allowed us to adopt the 2012 International Building Code. Since then, we have had several conversations with contractors, builders and even staff and I felt it was time to make some changes to the ordinance, making it a

more useful document and allow us to continue to advance forward. It also allows us to keep using the document longer allowing the staff time to start determining if we want to go to the 2018 International Code. The ordinance has a couple of parts. It allows the setting up of the Advisory Appeals Board and it also allows us to amend the codes. It's an International code, so what we try to do is put some items into it, so it fits our needs better, here in Gila County. We also have some clarifications as well. Basically, we updated it multiple places, which is why it is a whole new ordinance. According to the Clerk of the Board, it is easier to adopt a new ordinance, then going back in and amending the old one because the changes are peppered throughout the document. Let me give you an idea of the few changes we are proposing. We are going to add back in some energy items, we took it off last time. We are going to adopt the energy code as an optional code, if they want to go that route. We won't force folks to go that route, if they choose not to. Letting plumbers go back to using air pressure tests. Limiting the use of a portable toilet, for only temporary use and not as a permanent sanitary source. Basically just some changes to make it a better document. Adopting new codes is very time consuming and very expensive, so it isn't something we take lightly. If we can make the current code work and it's still a good document, we will continue with it. I will take any questions you have at this time. One more thing, what happens next, is if you approve this, then I go before the Board of Supervisors for their approval. I did have a work study session last month with the Board of Supervisors because we have two new supervisors that are not familiar with this document. In case they had any questions or wanted to make any changes. Mickie Nye stated he read it and doesn't have any questions. This commission has done other projects like this and it is very time consuming and expensive. Scott Buzan stated that all these changes were approved by the Building Safety Advisory Appeals Board back in 2016. Mickie Nye stated that there seems to be no questions. Mary Lou Myers motioned to recommend the approval, to The Board of Supervisors, of ordinance No. 2017-02 in place of No. 2014-03. Travis Holder seconded the motion. The motion was unanimously approved.

10. **Adjournment.** Mary Lou Myers made a motion to adjourn the meeting and Terry Otts seconded the motion. The Motion to adjourn was unanimously approved at 10:34 a.m.